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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
DEANDRA MICHELLE SMITH,  
  
Defendant.

Case No. 2:22-mj-642-DJA

ORDER to Extend Deadlines to  
Conduct Preliminary Hearing and  
File Indictment  
(Seventh Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson, United States Attorney, and Kimberly M. Frayn, Assistant United States Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public Defender, and Brian Pugh, Esq., Assistant Federal Public Defender, counsel for Defendant Deandra Michelle Smith that the Court vacate the Preliminary Hearing schedule for July 15, 2024, and continue it for 90 days. This request requires that the Court extend two deadlines: (1) that a preliminary hearing be conducted within 21 days of an undetained defendant's initial appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an information or indictment be filed within 30 days of a defendant's arrest, *see* 18 U.S.C. § 3161(b).

This stipulation is entered into for the following reasons:

1           1.       Defendant and defense counsel need additional time to receive and review  
2 discovery, conduct any necessary follow up investigation, and engage in pretrial motion  
3 practice, if warranted, before the Preliminary Hearing. Also, the parties are continuing to  
4 communicate to see if this matter can be resolved pre-indictment by plea negotiation and  
5 hope to be concluding the negotiation successfully in the near future. If an agreement can be  
6 negotiated, the preliminary hearing could be vacated to conserve judicial resources once a  
7 change of plea hearing is held.

8           2.       Undersigned government counsel needs additional time to prepare for the  
9 Preliminary Hearing.

10          3.       The defendant is currently under the United States Pretrial Service's  
11 supervision and does not object to the requested continuance.

12          4.       Under Federal Rule of Criminal Procedure 5.1(c), the Court "must hold the  
13 preliminary hearing within a reasonable time, but no later than 21 days after the initial  
14 appearance if the defendant is not in custody . . . ."

15          5.       However, under Rule 5.1(d), "[w]ith the defendant's consent and upon a  
16 showing of good cause—taking into account the public interest in the prompt disposition of  
17 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more  
18 times . . . ."

19          6.       Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), "[a]ny  
20 information or indictment charging an individual with the commission of an offense shall be  
21 filed within thirty days from the date on which such individual was arrested or served with a  
22 summons in connection with such charges."

23          7.       Additionally, Defendant needs additional time to investigate potential  
24 defenses to make an informed decision as to how to proceed.

1           8.       Accordingly, the parties jointly request that the Court schedule the  
2 preliminary hearing in this case no sooner than 90 days from the current hearing date, July  
3 15, 2024.

4           9.       Defendant is not in custody and agrees to the extension of the 21-day deadline  
5 imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18 U.S.C.  
6 § 3161(b), provided that the information or indictment is filed on or before the date ordered  
7 pursuant to this stipulation.

8           10.      The parties agree to the extension of that deadline.

9           11.      Accordingly, the additional time requested by this stipulation is allowed  
10 under Federal Rule of Criminal Procedure 5.1(d).

11          12.      In addition, the parties stipulate and agree that the time between today and  
12 the preliminary hearing is excludable in computing the time within which the defendant  
13 must be indicted, and the trial herein must commence pursuant to the Speedy Trial Act, 18  
14 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i)  
15 and (iv).

16       / / /

17       / / /

18       / / /

DATED this 11th day of July, 2024.

JASON M. FRIERSON  
United States Attorney

/s/ Kimberly M. Frayn  
KIMBERLY M. FRAYN  
Assistant United States Attorney

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEANDRA MICHELLE SMITH,

Defendant.

Case No. 2:22-mj-642-DJA

**Order on Stipulation to  
Extend Deadlines to Conduct  
Preliminary Hearing and  
File Indictment**

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for July 15, 2024, be vacated and continued to October 28, 2024, at 4:00 p.m., Ctrm 3A.

DATED this 12th day of July, 2024



DANIEL J. ALBREGTS  
UNITED STATES MAGISTRATE JUDGE

The Court recognizes it's last Order stated it would look with disfavor on any further requests and only grant them in extenuating circumstances, and extenuating circumstances do not appear to exist here. However, the Court will grant one LAST continuance in deference to counsel's stipulation. If the matter is not otherwise resolved by the time of the next setting, the matter WILL proceed to Preliminary Hearing